

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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OSRAM OPTO SEMICONDUCTORS GMBH,	)	
OSRAM GMBH, DIGITAL LUMENS, INC.	)	
AND OSRAM SYLVANIA, INC.,	)	
	)	
Plaintiffs,	)	C.A. No. 19-1616-LPS
	)	
v.	)	
	)	
HEALTH, INC. and	)	
LIGHTING SCIENCE GROUP CORP.,	)	
	)	
Defendants.	)	
	)	

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**JOINT MOTION TO AMEND THE CASE SCHEDULE  
AND SET A NEW TRIAL DATE**

Plaintiffs OSRAM Opto Semiconductors GmbH, OSRAM GmbH, Digital Lumens, Inc. and OSRAM SYLVANIA Inc. (collectively, “Plaintiffs”) and Defendants Health, Inc. and Lighting Science Group Corp. (collectively, “Defendants”) file this joint motion to further amend the case schedule set forth in this Court’s order of January 13, 2021, D.I. No. 40, and reset the trial date.<sup>1</sup>

The ongoing worldwide COVID-19 epidemic continues to prevent Plaintiffs from meaningfully participating in fact discovery. According to Plaintiff, all OSRAM entities located in Germany, including OSRAM Opto Semiconductors GmbH and OSRAM GmbH, continue to have emergency policies in place requiring all employees who are able to work from home to do

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<sup>1</sup> This case continues to be in its early stages as the parties have not yet exchanged initial contentions. Plaintiffs’ Complaint asserts that one or more of Defendants products infringe eight asserted patents. *See, e.g.*, D.I. 1 (Complaint). According to Plaintiff, seven of the eight asserted patents are assigned to OSRAM Opto Semiconductors GmbH or OSRAM GmbH. According to Plaintiff, OSRAM Opto Semiconductors GmbH and OSRAM GmbH are each organized under the laws of the Federal Republic of Germany and have principle places of business in Regensburg, Germany and Munich, Germany, respectively. According to Plaintiff, each of the inventors of those seven patents is located in Germany or Northern Italy.

so. According to Plaintiff, each of those facilities continues to be designated with the highest risk rating (level 4 on a 4 level rating). As a result, only production and operations staff is permitted on site and no access is permitted from those who travel from a foreign risk area (including the United States, which continues to be considered a “risk area” by the relevant German authorities). Because of the situation, the relevant fact witnesses continue to be unavailable to assist Plaintiffs in preparing their case or participating in fact discovery.

According to Plaintiff, OSRAM’s company policy, consistent with that of the German authorities, is to discourage travel and enforce the mandatory quarantine. According to Plaintiff, the pace of vaccinations in Germany has been slower than in the United States and government-mandated access restrictions are expected to continue for at least several more weeks. According to Plaintiff, the existing restrictions continue to prevent Plaintiffs’ counsel from facilitating document collection and conducting fact witness interviews at the OSRAM locations where the relevant documents and witnesses are located and there continues to be no infrastructure in place to facilitate remote document collection.

The parties therefore request that the deadlines for fact and expert discovery be extended and that trial be rescheduled for later in 2023 as follows:

Event	Current Schedule	Proposed Schedule
Plaintiffs responses to Defendants’ opening Document Requests and Interrogatories	April 16, 2021	July 16, 2021
Plaintiffs to produce initial claim chart relating each known accused product to the asserted claims each such product allegedly infringes	May 14, 2021	July 16, 2021
Defendant to produce its initial invalidity contentions for each asserted claims as well as the known related invalidating references	June 14, 2021	August 16, 2021
Deadline for motions to join other parties and to amend or supplement the pleadings	July 9, 2021	September 13, 2021
Parties to exchange list of those claim term(s)/ phrases that they believe need construction and their proposed claim construction of those	August 13, 2021	October 15, 2021

terms/ phrases		
Joint Claim Construction Chart to be submitted	September 3, 2021	November 5, 2021
Initial claim construction briefs due	October 8, 2021	December 10, 2021
Answering/ responsive claim construction briefs due	November 5, 2021	January 14, 2022 JANUARY 31
Markman Hearing	December 20, 2021	February 1, 2022
Plaintiff to provide final infringement contentions; Substantial completion of document production	January 28, 2022	March 25, 2022 at 9 AM
Interim status report	February 11, 2022	April 15, 2022
Defendant to provide final invalidity contentions; final supplementation of identification of accused products and all invalidity references	February 25, 2022	April 29, 2022
Close of fact discovery	April 14, 2022	June 10, 2022
Opening expert reports due	May 13, 2022	July 15, 2022
Rebuttal expert reports due	June 10, 2022	August 15, 2022
Reply expert reports due	June 30, 2022	September 2, 2022
Deadline for expert depositions	August 12, 2022	October 14, 2022
Case dispositive and Daubert motions due	September 9, 2022	November 11, 2022
Hearing on case dispositive and Daubert motions	November 22, 2022	January 5, 2023 at 2 PM
Submission of Final Pretrial Order	March 3, 2023	May 5, 2023
Pretrial Conference	March 31, 2023	May 2023
Trial (5 days)	April 17, 2023	June 2023 TBD

Due to the facility closures, access and travel restrictions resulting from the Coronavirus outbreak, the parties believe that good cause exists to further extend the foregoing fact and expert discovery deadlines. Moreover, the request contained herein is not intended for purposes of delay and will not cause any prejudice to any party to this action.

So ordered.  
Leif